

## **OSHA PROCEDURES**

---

### **Need for Legislation**

### **OSHA's Mission and Purpose**

### **The Act's Coverage**

### **Standards**

- Standards development and adoption
- Emergency temporary standards
- Variances

### **Workplace Inspections**

- Authority to inspect
- Inspection priorities
  - ▶ Imminent Danger
  - ▶ Catastrophes and fatal accidents
  - ▶ Employee complaints
  - ▶ Programmed inspections
  - ▶ Followup inspections
- Inspection process
  - ▶ Inspector's credentials
  - ▶ Opening conference
  - ▶ Inspection tour or walkaround
  - ▶ Closing conference
- Inspection results
  - ▶ Citations/Penalties
  - ▶ Classification of violations
- Appeals process
  - ▶ Appeals by employees
  - ▶ Appeals by employers

### **OSHA-Approved State Programs**

### **Reference:**

*All About OSHA* - OSHA 2056

### **Sources of Assistance/Information:**

- Consultation assistance
- Voluntary Protection Programs
- Training and Education
- OSHA informational materials
- Most Frequently Violated Standards
- *OSHA Handbook for Small Business* - OSHA 2209

**OSHA Procedures**  
**or**  
**How to be “In the Know”**  
**About OSHA**

## **Need for Legislation**

In 1970, Congress considered annual figures such as:

- 14,000 job-related worker deaths
- Nearly 2½ million workers disabled
- Estimated new cases of occupational diseases totaled 300,000

# **OSHA Mission Statement**

"...To assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources."

In all procedures, OSHA guarantees employers and employees:

- the right to be fully informed,
- to participate actively, and
- to appeal actions.

# **The OSH Act's Coverage**

- Coverage extends to all employers and their employees in the 50 states, the District of Columbia, Puerto Rico, and all other territories under Federal Government jurisdiction.
- The following are not covered under the Act:
  - ▶ Self-employed persons;
  - ▶ Farms where only immediate family members are employed;
  - ▶ Working conditions regulated by other federal agencies under other statutes.

## **Standards**

- OSHA is responsible for promulgating legally enforceable standards
- Employers must become familiar with standards applicable to their workplaces
- Employees must comply with all appropriate rules and regulations
- Where OSHA has no specific standard, the Act's general duty clause applies

## Standards - Development and Adoption

- Standards-setting may begin by OSHA's initiative or by petitions from other parties
- Advisory committees may develop recommendations
- If a standard is to be proposed, amended, or revoked, it is published in the *Federal Register*
  - ▶ Interested parties can provide input or request a hearing
- After comment period ends, final text published in *Federal Register*

## 29 CFR 1910.25(b)(1)(i)



|              |      |  |
|--------------|------|--|
| Title        | 29   | Department of Labor  |
|              | CFR  |  |
| Part         | 1910 | Occupational Safety<br>and Health Stds<br>for General Industry |
| Subpart      | D    | Walking-Working<br>Surfaces                                    |
| Paragraph    | 25   | Portable Wood Ladders  |
| Subparagraph | (b)  | Materials  |
|              | (1)  | Requirements applicable<br>to all wood parts                   |

(i)

All wood parts shall be free from sharp edges and splinters; sound and free from accepted visual inspection from shake, wane, compression failures, decay or other irregularities. Low density wood shall not be used.



## **Standards - Emergency Temporary Standards**

- OSHA is authorized to set emergency temporary standards that take effect immediately under certain limited conditions. OSHA must determine that:
  - ▶ Workers are in grave danger due to exposure to toxic substances/agents or to new hazards, and
  - ▶ An emergency standard is needed to protect them
- The temporary standard serves as a proposed permanent standard
- Validity may be challenged

## Standards - Variances

- Employers may request a variance from a standard or regulation if:
  - ▶ They cannot comply by the effective date due to shortages of materials, equipment, or professional or technical personnel (temporary variance); or,
  - ▶ They can prove their facilities or methods of operation provide “at least as effective as” employee protection (permanent variance).

## **Workplace Inspections - Authority to Inspect**

- Every establishment covered by the Act is subject to inspection
- Inspections are conducted without advance notice, although special circumstances may require OSHA to contact an employer prior to an inspection
- OSHA may not conduct warrantless inspections without an employer's consent (Marshall v. Barlow's Inc.)

# **Workplace Inspections - Inspection Priorities**

- Imminent Danger
- Catastrophes and Fatal Accidents
- Employee Complaints
  - May be handled by phone/fax
- Programmed Inspections
- Followup Inspections

## **Investigation of Complaints (phone/fax)**

- Employer notified by phone of complaint allegations
- Followup in writing faxed (or mailed) to employer
- Employer investigates and responds to OSHA
- Complainant advised of employer's response
- Complaint closed with satisfactory response

# **On-site Inspection**

- Inspector's credentials
- Opening conference
  - ▶ CSHO explains: purpose, scope and standards
  - ▶ Employer representative for walkaround
  - ▶ Authorized employee representative

## **What Employers Should Do**

- Preparation
- Safety and health programs and required records
- Employee representation and interviews
- Knowledge of previous inspections
- Posting and recordkeeping
- Monitoring the inspection and correction of deficiencies

## **Program Review to Evaluate Compliance**

1. General Safety and Health Program
2. Hazard Communication
3. Lockout/Tagout
4. Bloodborne Pathogens
5. Confined Space Entry
6. Emergency Evacuation
7. Crane/Hoist/Chain/Rope Inspection Records
8. Hearing Conservation Program
9. Respirator Program
10. Ergonomic Awareness Program
11. Process Safety Management
12. Emergency Response Program
13. OSHA 200 log and OSHA-101's
14. OSHA Poster
15. Safety Related Work-Practice Program
16. Mechanical Power Press Maintenance and Inspection Records
17. Total Hours worked for last 3 years



# Inspection Tour

- CSHO determines route and duration. During walkaround, CSHO:
  - ▶ reviews safety & health program
  - ▶ observes conditions, points out hazards, and discusses correction
  - ▶ takes video recording or photos, and instrument readings
  - ▶ interviews employees
- Trade secrets
- Posting and recordkeeping

## **Closing Conference**

- Briefing on conditions observed
- Questions and comments
- Appeal rights
- Second closing conference when awaiting lab results
- Resources available from OSHA
- Separate conference with employee representative, if necessary

## **Inspection Results - Citations**

- Area Director determines
- Inform employer/employees of standards allegedly violated, time for abatement, and proposed penalties
- Sent by certified mail
- Posting requirements

## Types of Violations/Related Penalties

- **Other than Serious** - Would not cause death/serious physical harm; penalty of up to \$7,000 is discretionary
- **Serious** - Substantial probability that death/serious physical harm could result; mandatory penalty of up to \$7,000
- **Willful** - Intentionally and knowingly committed; penalty of up to \$70,000, with a minimum of \$5,000 (If willful violation of a standard caused death of employee, court-imposed fine or imprisonment up to 6 months)
- **Repeated** - Upon reinspection, similar violation found; penalty of up to \$70,000
- **Failure to Abate** a prior violation; penalty of up to \$7,000 each day the violation continues

## Citation and Notification of Penalty - Example

| Type of Violation | Citation # |
|-------------------|------------|
| SERIOUS           | 1          |

| Standard Violated  | Date by which Violation Must be Abated: | Penalty |
|--|---|---------|
| <p>1</p> <p>29 CFR 1910.28(a)(1): Ladders or scaffolds were not furnished for employees engaged in work that could not be done safely from the ground or from solid construction:</p> <p>a) At the spray booth area, employees stood on 55-gallon metal drums to reach heights instead of using a ladder or scaffold, on or about 5/30/96.</p> | Immediately Upon Receipt                | \$900   |

## **Appeals Process - Appeals by Employees**

- If employee complaint, informal review may be requested
- Abatement period may be contested
- Informal conference may be requested for any issue

## **Appeals Process - Appeals by Employers**

- Informal Conference may be requested, resulting in settlement agreement
- Petition for Modification of Abatement - to extend a date
- Notice of Contest
  - ▶ In writing, within 15 working days
  - ▶ Notification of employees
- Review Procedure by Occupational Safety and Health Review Commission (OSHRC)
- Appeals in State Plan States

## **OSHA-Approved State Programs**

- The Act encourages states to develop and operate state job safety and health plans
- OSHA funds up to 50% of the program's operating costs
- Employers and employees should know if their state operates an OSHA-approved state program
- Anyone finding inadequacies with a state's program may file an complaint about state program administration (CASPA) with OSHA



## **Sources of Assistance - Consultation**

- Targeted for smaller employers with more hazardous operations
- Provided at no cost at employer's request
- No citations or penalties
- Additional information available from OSHA publication 3047, *Consultation Services for the Employer*

## **Sources of Assistance - Voluntary Protection Programs (VPP)**

- 3 types: Star, Merit and Demonstration
- Designed to:
  - ▶ Recognize achievement of those who have successfully incorporated safety & health into management system
  - ▶ Motivate others
  - ▶ Establish relationship among employers, employees and OSHA based on cooperation
- Additional information is available from OSHA offices

## **Sources of Assistance - Training & Education**

- OSHA area offices provide informational services
- OSHA Training Institute (OTI) in Des Plaines, Illinois, provides basic and advanced courses [see OSHA's Home Page at <http://www.osha.gov> or call (847) 297-4810]
- OSHA Training Institute Education Centers offer selected courses (see OSHA's Home Page)
- OSHA provides funds to nonprofit organizations to conduct workplace training in selected subjects; call OTI for further information
- OSHA CD-ROM - Subscription service of standards, technical and program information available from Government Printing Office; call (202) 783-3238